

OLL 85-3304/4  
17 December 1985

MEMORANDUM FOR THE RECORD

SUBJECT: Resolution of concern expressed by Map  
Services Division/OCR to Defense Mapping  
Agency amendment to Intelligence  
Authorization bill for FY 87

1. The Defense Mapping Agency (DMA) sought to place on firmer legal ground its authority to conduct mapping activities in foreign countries. This authority was put in jeopardy by a recent legal opinion by the Defense Department.

2. Since before WWII, the DMA has had executive agreements with foreign countries to conduct mapping work in those countries. Presently, there are about 180 agreements with 80 different countries. Some countries give their military exclusive authority to conduct mapping affairs, while others use civilian agencies. Accordingly, DMA deals with foreign military or civilian map agencies as appropriate.

3. DMA finds it necessary to deal with local map agencies to the extent that overhead systems cannot provide accurate cartographic data. To fill the gap, the DMA will send a team to the country to do what is required to map that area. However, the cost of sending U.S. personnel has been prohibitive; it is far less expensive to use local mapping agencies. When local mapping personnel are used, the U.S. sends them specialized equipment to assist in accurate and efficient cartography. Because of the complexity of the equipment, the U.S. sends training personnel too.

4. Under these agreements, the U.S. saves a good deal of money by the utilization of locals rather than sending U.S. persons to do the job. In this exchange the U.S. gets significant raw mapping data as well as indirect access to the territory of another sovereignty. The foreign country, in turn, receives finished map product, training and temporary use of equipment. Over the years the U.S. has saved millions through these arrangements, particularly through the use of locals.

5. Such agreements, however, were put in doubt from a legal standpoint in a memorandum from the General Counsel of the DOD, Mr. Taft.. Since our laws governing the expenditure of money are strictly construed, he determined that the DMA provision of equipment, training and finished map product to a foreign government without a return cash payment is probably a violation of the Anti-Deficiency Act. Even though the use of local mapping authorities has saved the U.S. millions, it still may be a technical violation of the Act because the return of raw mapping data cannot be measured in dollars to offset the of cost training, equipment and finished map product. Taft also suggested that the provision of such services to a foreign country may be unauthorized foreign aid.

6. DMA regards the continuation of these long standing agreements as an absolute necessity. These arrangements have enabled the DMA to fulfill its statutory mandate at low cost. To overcome this technical legal hurdle, the DMA seeks the addition of a simple provision to the Intelligence Authorization bill for FY 87.

7. Delivery of the DOD legal opinion on these mapping arrangements precipitated a major crises at DMA. Immediately, the General Counsel at DMA, Mr. O'Bloy, appealed to HPSCI (Marty Faga) to obtain legal authority for continuance of these arrangements. DMA's arguments were so convincing and the emergency so pressing that HPSCI staff managed to have language inserted in the DOD appropriations bill for FY 86; it was too late for the Intelligence Authorization bill for FY 86. Unfortunately, the DOD appropriation bill provides for only one year of authority. DMA now seeks permanent authority in the FY 87 Intelligence Authorization bill. HPSCI supports the amendment.

8. When Map Division/OCR was alerted to the DMA request during consideration of our legislative program for the second session of the 99th Congress, they questioned this "new authority" sought by DMA. [ ] said that the Map Division had no objection, if DMA had liaison with foreign military mapping agencies, but they were concerned with DMA relationships with foreign civilian map agencies.

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9. I explained that DMA was not seeking new authority, but was merely placing on firmer legal ground authority to conduct the activities they have conducted since before

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WWII. [ ] was satisfied with the explanation and withdrew any reservation about the amendment. In addition, I also suggested that she call the General Counsel, Ed O'Bloy, of DMA for a detailed half-hour briefing on this matter. [ ] declined because all of her concerns had been resolved.

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Deputy Chief, Legislation Division  
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